

CHAPTER 10: RETROSPECTIVE

CONCLUSIONS AND A LOOK AHEAD

The U.S. Senate Select Committee on POW/MIA Affairs has accomplished most of the goals and tasks that were assigned to it by the U.S. Senate at its creation. However, as with any assignment to review matters occurring over a 20-year period and involving thousands of individuals, there remain areas of inquiry that still must be completed. These areas fall into the following broad categories:

Russia

The Committee recommends that the U.S./Russia Commission continue to pursue those leads which involve the countries of the former Soviet Union, including, but not limited to:

Interview Vladimir Churkov, head of the KGB 6th Division (Southeast Asia) during the mid- to late-1970s. It was General Kalugin's testimony that Gen. Churkov would be the most knowledgeable individual as to whether U.S. POWs were held in Vietnam after 1973. The Senate Select Committee has not been able to obtain an interview with Gen. Churkov.

Re-evaluate the testimony of General Kalugin versus the testimony of Oleg Nechiporenko. Gen. Kalugin testified at his deposition that U.S. POWs in Vietnam were interviewed by KGB agents (Nechiporenko) after 1973 and possibly as late as 1976. Oleg Nechiporenko told Senators Kerry and Smith in Moscow that he interviewed a POW in 1973. He also said he prepared a questionnaire for use by the Vietnamese. Both the CIA and the Vietnamese confirmed the KGB interrogation of the CIA agent.

Interview the Soviet Ambassador to Laos (1973). Gen. Kalugin testified that this Soviet Ambassador was very knowledgeable about this matter. He stated that if such POWs were kept,

the Soviet Ambassador would almost certainly have known. The Senate Select Committee has been unable to schedule an interview with the Ambassador.

Continued pursuit of the KGB, GRU and Soviet Military Archival records. The records of these organizations, if made available to the U.S., will assist in finally determining whether any Vietnam-era POWs were taken to the former USSR.

Vietnam, Laos and Cambodia

The Committee recognizes that many answers to the questions it posed this year lay in Southeast Asia and recommends that the Department of State, the Department of Defense and the Joint Task Force for Full Accounting (JTF-FA) continue to work with the governments of these countries to find answers. These matters should include:

The continued pursuit and evaluation of information from the Vietnamese archives;

The continued pursuit and evaluation of information from and about Lao official records.

Interviews of former Pathet Lao leader Prince Souphanouvong and former Pathet Lao spokesman Soth Petrasy concerning their war-time statements that they (Pathet Lao) were holding U.S. POWs in Laos. The Senate Select Committee was unable to obtain permission from Prince Souphanouvong or from Mr. Petrasy for an interview. Neither individual felt able at this time to add to the statements they had already made.

Access to and evaluation of the information available on Lima Site 85. The Senate Select Committee was unable to obtain Lao permission for JTF-FA to examine the site of this incident. The Lao military commanders who are knowledgeable about the fate of the Americans who were present when the intelligence site was overrun should be interviewed.

China and North Korea

The Committee recognizes that the Governments of China and North Korea continue to hold information concerning the fates of U.S. servicemen. The Committee recommends the following:

Continued pursuit of information from museums, archives and government officials in North Korea that was begun by the Committee;

The formation of a commission similar to the U.S./Russia Commission to work with the Government of China;

The formation of a commission similar to the U.S./Russia Commission to work with the Government of North Korea.

The Department of Defense

The Committee recognizes the accomplishments of the Department of Defense but also recommends the following areas of continued pursuit:

Continuation of the JTF-FA approach to information gathering in Southeast Asia;

Declassification and release to the public (in cooperation with Garwood's attorneys) of all records that relate to PFC Robert Garwood;

Full analysis of the Operation Homecoming debriefs. The debriefs should be reexamined to answer finally and with absolute certainty that no POWs remain unaccounted for who were in the prison system. The Senate Select Committee was not allowed to do an independent examination of the debriefs because of promises made to returning POWs by DoD at Homecoming.

Interview of former South Vietnamese President Thieu. President Thieu should be interviewed to determine how much information the South Vietnamese military intelligence had concerning American POWs in both North Vietnam and Laos.

Continued analysis and evaluation of the 4500(+) photos received from the Government of Vietnam;

Continued analysis and evaluation of all material received from the Vietnamese archives;

Continued support of the Vessey initiatives.

Inter-Agency group

The Committee believes that an inter-agency coordinating body for POW/MIA policies is needed and that the IAG for POW/MIA Affairs ably fulfills this role. However, the Committee is disturbed by the lack of formality in IAG record-keeping and believes that, at a minimum, that the minutes of discussions at such meetings should be maintained.

In addition, although the IAG should consult regularly with the League and other POW/MIA family organizations, the Committee believes that the role of the IAG and issues of membership on it should be reviewed by the new Administration.

Department of Justice

The Department of Justice was very supportive of the Committee and was able to accommodate almost all of its requests. There are areas, however, which will require continued independent investigation, such as:

Evaluation of previous referrals from the Committee to the Department of Justice to assess the appropriateness for prosecutions of fraud cases;

Review of the materials to be provided to the Department of Justice from the December Oversight hearing;

Evaluation of any new referrals coming at the end of the Committee life.

Watergate tapes

The Committee was denied access to the Watergate tapes and strongly believes it is in the public interest that Congress pursue that information.

Progress on declassification

All records used by the Committee in the Office of Senate Security (U.S.-407) have been declassified, except for National Security

Agency records;⁶¹³ these are to be declassified soon, according to the N.U.S.A.⁶¹⁴

Approximately one-sixth of the 1.5 million pages of material ordered declassified by the 1991 McCain Amendment to the DoD Authorization had been declassified by publication date. That law gave DoD until November 1994 to establish libraries of POW/MIA information correlated to unaccounted-for servicemen for their families, and a library of uncorrelated information for all concerned citizens.

Information about the committee

Copies of the Committee Report and hearing transcripts will be available from the Government Printing Office beginning in February 1993. They also are available through the U.S. Government Depository Libraries located at most colleges and listed in the attached directory.⁶¹⁵

Non-published Committee records will be available to the public through the National Archives beginning in early February 1993. These include staff materials, memoranda of conversation, notes and other documents that may include incorrect data, discredited theories, incomplete pieces of information, or staff opinion, however; the Committee's judgments, after consideration of *all* evidence available to United States Senators, is reflected in this Report.

Other information and judgments should not be accorded credibility simply because of its presence in the Committee's working files; the staff was structured to provide the Committee's Members with the strongest arguments on all sides of each issue, and their comments must be taken in toto. All Committee documents are available through the National Archives; please contact its Center for Legislative Archives, National Archives, Washington, D.C. 20408, telephone 202/501-5350.

ANNEX: MEMBERS' FLOOR STATEMENTS

Some of the statements Committee members made on the Senate floor are appended. For statements made after publication date, please check the CONGRESSIONAL RECORD.

STATEMENT OF JOHN KERRY, CHAIRMAN, JANUARY 25, 1993

On January 13, after more than a year's work and investigation, the Senate Select Committee on POW/MIA Affairs released its final report.

That report did not resolve fully the POW/MIA issue, nor was it intended to. But I believe that it, and the body of the Committee's work, have done much to heal the wounds of distrust and division that have characterized this controversy for 20 years.

The Members of the POW/MIA Committee are of differing backgrounds, temperaments and ideologies. Some Members had devoted years of effort to studying POW/MIA matters; others had only a general familiarity with the issue. Some came to the issue with

⁶¹³ CDO letter to Committee, Dec. —, 1992.

⁶¹⁴ NSA letter to Committee, Dec. —, 1992.

⁶¹⁵ Directory of U.S. Government Depository Libraries.

emotions forged in the personal experience of service in Vietnam; one was a former POW.

If anyone had predicted at the outset that these eleven men and one women would come together at the end of fourteen months to add their names to a single document on this most emotional and controversial of issues, that person would not have been believed. And, in fact, our investigation was characterized, at times, by sharp disagreement about fact, focus and process. Up until the very end, there was a possibility that we would not agree on the final report. And that report does cite a lack of unanimity on a few significant issues.

But I am convinced that the final product of this Committee's work reflects the combined strengths of its Members, and that we were able to transform our differences of perspective into a tool for digging out the truth.

There is not a single significant finding or recommendation in the report that was not subject, at some point, to challenge or questioning from within the Committee. Key sections were the subjects of lengthy debate. Any thesis that could not stand up in the face of evidence gathered by the Committee was excluded; and only those findings that could be supported, after consideration of all available information, were left in.

The result is a report that I believe is as close to the full truth as we could hope to come. Because we were so demanding, and because POW/MIA family members and activist groups were so demanding about declassification, this report reflects the sum total of what the US Government knows about the POW/MIA issue, particularly as it relates to the Vietnam era. No longer can anyone fairly claim that knowledge on this issue has been locked away; or that there exists a conspiracy of silence; or that the basic parameters of truth are in doubt.

We know, as a result of our investigation, that there were not 2,264 Americans whose fates were truly unknown following the Vietnam War. This is the number of Americans who went to Southeast Asia and who have not returned either alive or dead. But we know that the vast majority of those Americans died during the war—pilots who crashed over water, soldiers injured beyond recognition in combat, servicemen buried in graves that were subsequently destroyed by allied bombing, airmen killed in the remote jungles of Laos or Cambodia. For most of these 2,264, although there is not proof positive in the form of a body that they are dead, there is also absolutely no evidence that they survived or were taken captive.

For a small number of these 2,264 American perhaps around 100, the story is somewhat different. In some cases, individuals were known to have been taken captive. Others were known to have survived crashes and to be alive on the ground. Others disappeared in circumstances where the possibility of survival and capture was very real. Even here, however, the number of Americans known for certain to have been taken captive is quite small and—in some of these cases—there are indications that the individual may have died or been killed at the time of their incidents.

Although the Committee, unlike previous investigations, uncovered evidence that a small number of Americans may have sur-